

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

JAN 02 2014

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEON RUSSELL RUSSETTE,

Defendant.

CR 07-150-GF-DLC-RKS

ORDER

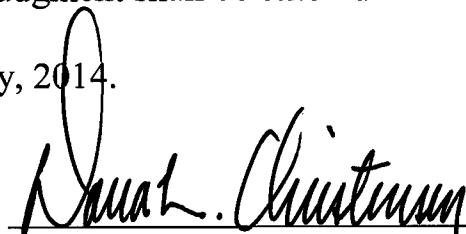
This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on December 4, 2013. Defendant admitted he had violated special conditions 1-3 of his supervised release conditions by failing to report for substance abuse testing, failing to participate in substance abuse treatment, and failing to participate in mental health treatment. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 10 months with 18 months supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated the conditions of his supervised release by failing to report for substance abuse testing on multiple occasions and by failing to participate in substance abuse and mental health treatment. The United States Sentencing Guidelines call for 5 to 11 months imprisonment. A sentence of 10 months with 18 months supervised release is appropriate because Defendant has continually violated the terms of his supervised release since he was placed on supervision, and it is Defendant's second violation. Defendant expressed a desire to turn his life around at the revocation hearing, and agrees that additional supervised release is necessary in his case. Thus, a guidelines custodial sentence with 18 months supervised release is warranted in this case.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 64) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 2nd day of January, 2014.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court